1: Nachtigall--145 E-5 (1952-1953) 1955 SC15 Paez SC15

/209 cont./

4. Law

671 Although the legal life of the Paez cannot be compared to a well-developed jurisprudence, on account of its being interwoven with all manifestations of life, they nevertheless have fixed regulations adapted to their vital needs, /210/ the preservation of which is guaranteed by the entire community. To these legal regulations belong the political and family organization already described, as well as the customs in the course of life and of daily living. In the following the regulations governing property and inheritance and the views of the Paez concerning punishable acts and punishments are to be described.

423 In Calderas there is community land and private land. The former consists of the river lowlands with the territory of the church, school, community house, and festival houses, whereas the mountain slopes are the private property of those families who cleared them for the first time. Basically, everyone may have an interest in the community land, which consists essentially of pasture land. Here the families can pasture their animals, build themselves festival houses, and stake off a piece of land for [178] themselves anywhere they like and build dwellings. The latter was not customary formerly when a person built his own house only on his own land. Today there are already three families, those of Cerbeleón Guagáz, of Clemente Lis, and of Agustín Muse, who live on community land near the church and the school. They built their houses there and staked off a piece of land on which they cultivate vegetables and some sugar cane. There is no need to ask anyone for permission to do this. The situation is different in the 423 case of private property on the mountain slopes. True, no one 427 builds his house on a piece of land that does not belong to him; yet it may happen that one's own land is very far away, and then a person will ask the owner of a parcel of land nearby for permission ("licencia": Spanish "authorized permission") to plant a field for a harvest. This is not often the case, for generally there is enough land in each family. A few families, however, have

/210 cont./

423 considerably larger parcels of land than others, for example, the
427 Guagáz family, who, according to my information, own almost half of all private land. Permission for the use of land is granted only for crops with a short ripening period, namely, wheat, maize, beans, and cabbage, but not sugar cane, coca, or bananas, which need several years to mature, in other words, can be used for years. As rent the owner receives a small portion of the harvest, which is left on the stalk and which he must harvest himself.

423 As a matter of principle, land cannot be bought, we were
[428] told repeatedly, for every man must leave his land to his sons. Even if a man has no sons, he may not sell his land, but must hand it over to his brothers. This was the information always
423 given in answer to my direct questions on the subject. /211/ In
437 practice, however, it is quite possible to sell land, and this is not infrequently done, but no one realizes that a land sale actually takes place when a man clears a piece of land for himself, plants it, and exchanges the entire harvest, including the land, for a
[115] head of cattle, a horse, etc. This is what Victoriano did, for example, in order to acquire a horse. He cleared and planted a piece of his father's land, about 2,500 square meters, to sugar cane, and when this was mature, he exchanged the harvest, including the land, for a mare. Nobody wanted to admit that this violated the principle of not selling land.

423 The land belongs to the father of the family, who, as a rule,
241 tills it with his grown sons. If the sons have their own houses,
59 they generally go on working with their father, since no one likes to work alone. At the harvest, the respective wives fetch the food
423 required for their families from the common field. If father and
427 son do not live in amity, the son must plant and harvest his own
59 3 field, for which he is then obliged to accept the help of friends.
241 It is considerably more expensive to entertain them than family
[476] help, for in the latter case there need not be any chicha for entertainment. Even in this instance, however, the son must ask his father and owner of the family land for permission to cultivate the land. This is not denied, however. After the harvest, this piece of land, since it will lie fallow now for about ten years, goes back

/211 cont./

423 to the father, and the next year the son must ask his father anew
427 for permission to use another piece of land.

593 241 422 423 Besides the land, the father of the family also owns the dwelling, the menstruation house, all the animals -- including chickens and guinea pigs -- all agricultural implements, and the sugar mill. Property marks on the houses, fields, and implements are not required, for everyone knows to whom they belong.

428 Upon the death of the father of the family, the youngest son inherits his house and the greater part of the livestock. If, for example, there is only one cow, he gets it. Similarly, he gets all the land under cultivation at the time. The uncultivated land is divided equally among all the sons. The widow, [768] like the daughters, inherits nothing. The former then continues to live in her old house in the family of the youngest son. The fact that the latter receives so much more than the older ones in the distribution of the inheritance is explained by the fact that the older ones have worked for more years and therefore have had more time and opportunity to acquire property of their own. [429] Favoring the youngest thus represents a certain equalization. If the father dies /212/ young and leaves only a small son, his mother administers his property for him until he is about 15 years [768] old. He need not marry then, however. If there are several younger sons, they, of course, also go on living together in the house of the father.

Deviant inheritance plans of the deceased, for example, letting an older favorite son have more or leaving his house or implements, not to his youngest son, but to his brother, are not possible. Even if a father had ten daughters and only one son and none of the daughters would marry, he could not leave them anything. In such a case, the only son would have to provide for all his sisters, for women cannot live alone in a house and they would not be in a position to cultivate the land alone. If a man has no sons, but only daughters, his sons-in-law generally help him cultivate the fields. Yet he cannot bequeath them anything. His landed property and equipment go to that one of his brothers who takes care of the burial, that is to say, buys the grave clothes for the deceased and provides chicha and food for the mourning

SAN ANDRES

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Fams.	Coffee				Plantains			
	A	C	V	%	A	C	V	%
1.*	80	...	80	100,0	300(1)	...	...	.....
2.	...	...	...	.....	...	...	...	.....
3.	3	...	3	100,0	300(2)	...	...	.....
4.	1	...	1	100,0	50(1)	...	...	.....
5.	15	...	15	100,0	120	118	2	1,6
6.	3	...	3	100,0	200	200	...	.....
7.	3(5)	...	3	100,0	100(1)	...	...	.....
8.	4	...	4	100,0	50(1)	...	...	.....
9.	5	...	5	100,0	150(4)	...	...	.....
10.*	80	...	80	100,0	30(1)	...	...	.....
11.	45	...	45	100,0	...	...	...	.....
12.	...(5)	...	...	.....	100	50	50	50,0
13.	...(5)	...	...	.....	300	100	200	66,6
14.*	6	...	6	100,0	250(1)	...	...	.....
15.*	8	...	8	100,0	100(1)	...	...	.....

/A = arrobas produced; C = arrobas consumed; V = arrobas sold; % = percentage sold. The commas in the figures should be read as points in the translation to English./

1. Number of plantain plantings that the informant has now.

2. Indicates the number of plantings at present. Last year he gathered about 30 bunches.

4. Indicates the number of plantings at present. Last year he gathered about 30 bunches.

5. Tenant farmer.

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LANE:

Fams.	Bovines		Equines		Pigs		Wool-bearers		Fowl Raised	
1.°	..	.....	7	2.500,00	..	.....	..	.....	..	.....
2.	..	.....	2	300,00	7	385,00	5	80,00	15	60,00
3.	8	725,00	6	950,00	..	.....	6	100,00	8	32,00
4.°	10	1.500,00	12	2.100,00	..	.....	..	.....	10	40,00
5.	5	390,00	6	600,00	..	.....	..	.....	..	.....
6.	2	250,00	2	300,00	5	65,00	2	40,00	5	25,00
7.	5	500,00	4	500,00	3	70,00	5	50,00	10	50,00
8.	2	200,00	3	350,00	4	56,00	3	45,00	2	8,00

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SAN ANDRES:

1.°	35	7.000,00	8	1.700,00	5	200,00	..	.....	25	125,00
2.	..	.....	1	120,00	..	.....	..	.....	6	30,00
3.	..	.....	1	80,00	..	.....	..	.....	6	36,00
4.	1	200,00	..	.....	1	65,00	2	30,00	5	25,00
5.	..	.....	2	300,00	2	60,00	2	60,00	6	24,00
6.	..	.....	..	.....	1	200,00	..	.....	6	30,00
7.	..	..... (36)	..	.....	..	.....	..	.....	7	28,00
8.	5	1.250,00	3	500,00	5	80,00	3	30,00	10	30,00
9.	4	800,00	..	.....	3	140,00	..	.....	40	120,00
10.°	..	.....	2	320,00	..	.....	..	.....	14	70,00
11.	..	.....	3	450,00	2	30,00	..	.....	25	75,000
12.	..	..... (36)	..	.....	..	.....	..	.....	..	.....
13.	..	..... (36)	..	.....	..	.....	..	.....	5	25,00
14.°	5	2.000,00	1	400,00	6	350,00	5	250,00	16	160,00
15.°	30	6.000,00	6	1.200,00	2	300,00	..	.....	60	300,00

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● [427]

CALDERAS:

1.	3	120,00	1	150,00	2	70,00	..	.....	1	6,00
2.	3	300,00	3	300,00	3	80,00	..	.....	8 !	60,00
3.	..	.....	..	.....	1	60,00	..	.....	10 !	50,00
4.	..	.....	4	600,00	5	300,00	3 !	30,00	6 !	30,00
5.	..	.....	..	.....	1	30,00	..	.....	3	5,00
6.	4	480,00	3	300,00	3	200,00	5	100,00	10	30,00
7.	..	.....	..	.....	2	60,00	..	.....	6	30,00
8.	4	320,00	5	300,00	5 !	150,00	10	100,00	8 !	40,00
9.	4 !	600,00	2	300,00	4	80,00	2	30,00	5	25,00
10.	10	1.500,00	10	1.000,00	10	200,00	3 !	30,00	..	.....
11.	..	.....	5	600,00	3	60,00	2	20,00	4	24,00
12.	..	.....	..	.....	..	.....	..	.....	6 !	30,00
13.	..	.....	3	300,00	..	.....	2	20,00	3	30,00
14.	..	.....	5	600,00	4 !	80,00	4	80,00	6 !	30,00
15.	..	.....	..	.....	..	.....	4	80,00	4	24,00
16.	..	.....	..	.....	..	.....	..	.....	6 !	30,00
17.	4	600,00	..	.....	..	.....	3	30,00	8 !	40,00
18.	..	.....	4	320,00	6	90,00	..	.....	3	24,00
19.	..	.....	2	150,00	..	.....	..	.....	7	28,00

24. Tenant farmer.

! Estimates by the author.

/344 cont./

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Activity	Men	Women
Making the fire		yes
Clearings	yes	
Planting, weeding, and harvesting	yes	yes
Gathering		yes (29)

[857]

29. Task of women and of children under six.

Trade	yes	yes
Hunting and fishing	yes	
Communal work	yes	
Mingas	yes	
Supplying firewood and water		yes
Ownership	yes	yes (30)

30. Rarely.

Carpentry	yes	
Making fireworks	yes	
Tending livestock	yes	
Barbering	yes	
Milling	yes	yes
Musical instruments	yes	
Consumption of coca	yes	yes
Consumption of alcohol	yes	yes
Consumption of tobacco	yes	yes

/345/

●427 Tenant farmers of San Andrés

In the haciendas that lie above the valley of the Pisimbalí torrent and the left bank of the Ullucos River, some 35 native families live as tenant farmers. There are five haciendas that make use of this type of servitude. Many of these families have developed and become established within the hacienda itself. Others have been driven to this condition out of a lack of land from which to derive sustenance.

[San Andrés]

/345 cont./

●427 San Andrés is the sole region of Tierradentro, as far as we
161 know, where tenant farmers are found. Although the number of persons sunk in this servitude is no higher than 100, the mere occurrence of this phenomenon already tells us of an excess of population, at least in the parcialidades of San Andrés and Santa
[131] Rosa, from which the tenant farmers came. On the other hand, the scattering of the Páez group through this very department of Cauca, the departments of Huila and Tolima, and even through
[311] the department of the Valle is well known. The colonization of the uncultivated lands in Tierradentro by the natives has been systematic and intensive during recent years. There is the utilization of ever more inaccessible lands for agriculture in the temperate thermal level. All of these are factors that clearly tell us of an excess in the Páez population.

427 Here is what a tenant farmer told us about the phenomenon
241 of tenant farming: As a tenant farmer he has the right to own a
466 house, a garden, and a clearing. The house and garden are contiguous and complementary. His garden occupies one plaza /a Colombian measure with 80 meters to the side/ more or less, and in it he has planted plantains (about 200 trees), oranges (about five trees), onions, arracacha, manioc, sugar cane, sweet potatoes, and some 200 coca trees. He has surrounded the garden with barbed wire provided by the owner in order to avoid damage by the animals of the hacienda. He can lay out his clearing on any site of the hacienda. It changes every year. In his present clearing he has planted 1,500 manioc plants; 200 of arracacha (he could not find more seed); maize; small frijoles /frijol chiquito/ (in one month he hills the "sprigs," in two months they flower, and in three months he harvests) and large frijoles /frijol grande/, and, finally, about two loads of sugar-
[433] cane shoots (seed). The produce of the clearing and of the garden is primarily for consumption, but if there is a surplus he may sell it to anyone, even though the owner urges him not
[249] to sell to anyone but himself. The sugar cane is milled in the
[257] /346/ sugar mill of the owner, with the subsequent use of his implements to make panela, half of what is produced being given to him.

/346 cont./
466 given to him. From the harvests of maize, frijoles, and
427 arracacha the owner receives one bag (approximately half an
[241] arroba) of each product, and one or two bunches of the plantains.

231 He says that the hacienda owner has permitted him to raise
427 animals, but he has none, because he spends more time working
466 on the hacienda than in his own house. He says that he owned
[235] some 20 sheep, but is finished with them. Now he has only eight chickens.

427 The informant is the son of another tenant farmer and
466 grew up on this very hacienda. He has owned the house in which he now lives for 18 years. He has not signed any kind of document with the owner and has not been bothered by him about the possession of the house, but rather, on the contrary, has been urged by him to repair the house. In exchange for the use of the house and the land he is obliged to pay three days for rent
[465] per month, eating his own food and using his own tools. On the other days of the month he works for the same owner for daily wages, earning two pesos a day, excluding, of course, the days of religious or national holidays. Each week he re-
[452] ceives 12 pesos. From the owner he buys maize, manioc, and frijoles on credit, which is immediately deducted in labor. The owner only gives him salt and bananas. The panela comes from what he produces.

466 Since the informant specializes in milling and the making
427 of panela, he ordinarily does nothing else. His work begins at
257 six in the morning and ends at ten at night. He is assisted by his
[463] wife, who earns one peso a day, a deaf and dumb son who earns
[512] nothing, and another son who carries the cane to the sugar mill.
[465] This one is married, is also a tenant farmer, earns two pesos a day, and has a separate clearing. His wife does not help in the work because she stays at home caring for the house, looking after the children, and weeding the garden and the clearing.

427 At the mill he works even on Sundays at wrapping panela,
257 a task that cannot be neglected. Ordinarily he spends two weeks
461 at the mill and has the following one free (without pay) to rest,
466 to look after his own field, or to hire out his labor to anyone who

466 /346 cont./
427 needs it (nominal). On the following week he must return to
257 work at the hacienda.
[461] /347/ Each week he produces some 40 arrobas of panela.
[433] The informant boils it down, his wife mills with the deaf and dumb son, and the other son strips the cane. The milling
[422] equipment is expensive and thus belongs to the hacienda. His own tools are two shovels, one small bar, and three machetes, with which he works for the hacienda. The owner of the hacienda has tried to dismiss him three times. Once because he made panela for another owner; it displeases the owner to have him work elsewhere, especially at a mill. The informant did not want to leave his house.

427 The plantings that he has made have sometimes been
241 lost because of the wetness of the soil, leaving no solution but
466 to plant again. The owner does not help at all in such calamities. He has the right to plant as much as he wishes.
[423] Now he owns about 200 coffee trees, but the owner has forbidden him to plant more trees.

427 The informant has seven children, five of whom are females;
465 three of them earn a peso a day working on the hacienda, harvest-
466 ing and weeding coffee. One who is younger earns 50 centavos, and the son pays land rent and earns a daily wage of two pesos. The owner is not honest. To pay the daily wages he usually takes out bills of ten or twenty pesos and sends one of the peons to exchange them for smaller currency, which is always short when it is received. He pays in part and later maintains that the total was met.

Another informant from the same hacienda says that for two years of vaquería (tending cattle) the owner gave him in payment for his labor one mare that is not worth 30 pesos. While doing this work he suffered hunger and worked too hard. Now, aside from having remunerated him very badly, he demands the payment of rent for the two years that he was engaged in this work.

In general terms, the tenant farmers of San Andrés, in exchange for the use of half a hectare of land, one garden, and one house, are obliged: to pay three days of rent per month, providing their own food; to work as day laborers for the hacienda,

/347 cont./

427 earning a small daily wage (the maximum daily wage that they
466 earn is two pesos, but this is exceptional; ordinarily the men
465 earn one peso and the women 80 centavos); not to work on other fincas; to sell the surplus from their crops to the owners of the hacienda themselves, especially if it is coffee; to divide in half or distribute in equal parts with the owner the panela obtained /348/ from the ovens of the hacienda; the wife and children of the tenant farmers are also obliged to work on the hacienda. They have the right to plant any crop except coffee. They earn nothing on Sundays or on religious or national holidays, nor do they receive any remuneration for extra hours of work. They do not get any social services. When the owner is good, he gives them salt and, ordinarily, one "spot" of plantain (a ration of cooked plantains).

427 Many are sons of tenant farmers born on the hacienda itself.
466 Others have suffered in this servitude for more than ten years. Although a few have freed themselves from this situation, most of them resist giving up their rancho and their garden when the owners want to dispossess them. One tenant-farmer informant, when questioned as to whether his situation was good or bad, said: "I have to be satisfied, what else can I do if from childhood I have been here" (on the hacienda). Besides, he figures that if the owner wants to remove him, he will have to pay him
[423] for the improvements in his garden. Here and there a tenant farmer with more than 20 years of usufruct from his piece of land has already refused to pay his rent.

One tenant farmer who has worked for several owners recalls that some were good, but most of them were bad, ambitious, exploiters, who had their laborers work too hard, cheated in the wages, and one even gave them beatings.

Alimentary diet

262 We wish to note that most of the notes concerning the diet
[121] were gathered in the parcialidad of Calderas.

/358 cont./

434 [121] There were 48 families investigated, of which 25 were from Mosoco, 8 from Lame, and 15 from San Andrés. They are identified by numbers in order.

The sources of monetary income are provided by agriculture, especially by potatoes, wheat, garlic, and coffee; by livestock-raising, that is to say, the sale of animals, including derivatives such as milk and cheeses, as well as barnyard fowl; by business transactions, including the resale of agricultural and livestock products produced by the natives; by daily wages, including some contract work; by crafts, which include manufactures (blankets, rugs, sashes, pouches, sewing, ceramics, and tile-making) and hydraulic mills; by freightage, that is to say, the profit from renting beasts of burden; by the previous year's savings; and by loans.

At first sight agriculture stands out as the principal source of family income, corresponding specifically to potatoes, wheat, and garlic for Mosoco, laurel wax and potatoes for Lame, and coffee for San Andrés. But in the parcialidad of Mosoco livestock is not merely complementary, but as important as agriculture itself. Even more so. In nine of the 25 families investigated, livestock-raising balances the family budget, which the deficit ● [427] was due to the loss of harvests. We also observed that the renting of beasts of burden is an important factor in the family income; an incipient development of family industry that represents sources of monetary income; and, finally, the income from daily wages in the parcialidad is rather limited. In the parcialidades of Lame and San Andrés, on the other hand, livestock-raising occupies a secondary position, and the family income is complemented, when agriculture produces an imbalance, chiefly by day labor.

434 563 [439] Trade is primarily an activity of the "whites," and so are industries of elaboration such as panela and cheese. In regard to trade we found one case of a "white" family established in a parcialidad, whose only source of income through life has been nothing but the profits from trade.